

LAW OFFICES
MANOLIO & FIRESTONE, PLC
8686 E. San Alberto Dr., Suite 200
Scottsdale, Arizona 85258
(480) 222-9100
vmanolio@mf-firm.com
Veronica L. Manolio, SBN 020230
*Attorneys for Tucker Defendants, Counterclaimants,
and Third-Party Claimants*

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF ARIZONA**

Labor Smart, Inc.

Plaintiff,

V.

Jason and Melissa Tucker,

Defendants.

And related Counterclaims and Third-Party Claims.

Case No. 2:22-cv-00357-PHX-JJT

**SWORN AFFIDAVIT IN
SUPPORT OF APPLICATION
FOR DEFAULT**

(Before the Honorable J. Tuchi)

17 1. I am the attorney for Third-Party Claimants Jason and Melissa Tucker and
18 make this Affidavit to prove the fact and manner of compliance with the provisions of
19 Federal Rule of Civil Procedure 55(a).

20 2. Third-Party Defendant NextGen Beverages, LLC, was served via private
21 process server upon its registered statutory agent on July 30, 2024, at the known address
22 of the agent, who provided a copy of the Summons and Answer, Counterclaims and
23 Third-Party Claims (the Third-Party Complaint). A Certificate of Service is on file.
24 (Doc. 163)

25 3. Third-Party Defendant NextGen Beverages, LLC, against whom a
26 judgment for affirmative relief is sought, has failed to plead or otherwise defend.

1 4. The time within which the party may have filed an answer or otherwise
2 defended itself (21 days) has passed.

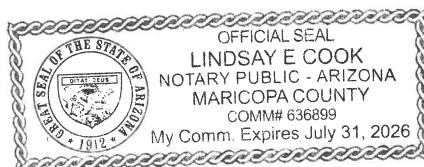
3 5. An Application for Default is filed this same date, and this Affidavit is
4 meant to provide evidentiary support that entry of default is now appropriate.

5 Further affiant sayeth naught.



Veronica L. Manolio

Date: 8/22/24



Lindsay E. Cook, Notary Public